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APPLICATION NO.	FI	LING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,691	10/764,691 01/26/2004		Gary L. Bowlin	49122-0142(297109)	9462
23370	7590	06/28/2006		EXAMINER	
JOHN S. PF		•	HANLEY, SUSAN MARIE		
KILPATRICK STOCKTON, LLP 1100 PEACHTREE STREET			ART UNIT	PAPER NUMBER	
ATLANTA, GA 30309				1651	

DATE MAILED: 06/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)			
	10/764,691	BOWLIN ET AL.			
Office Action Summary	Examiner	Art Unit			
	Susan Hanley	1651			
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address			
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tim vill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONEI	ely filed the mailing date of this communication. (35 U.S.C. § 133).			
Status					
1) Responsive to communication(s) filed on 31 Ma 2a) This action is FINAL . 2b) This 3) Since this application is in condition for allowant closed in accordance with the practice under E	action is non-final. nce except for formal matters, pro				
Disposition of Claims					
4) Claim(s) 1-22 is/are pending in the application. 4a) Of the above claim(s) is/are withdraw 5) Claim(s) is/are allowed. 6) Claim(s) is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) 1-22 are subject to restriction and/or expressions.	vn from consideration.				
Application Papers					
9) The specification is objected to by the Examiner 10) The drawing(s) filed on is/are: a) access applicant may not request that any objection to the Replacement drawing sheet(s) including the correction of the oath or declaration is objected to by the Examiner 11) The oath or declaration is objected to by the Examiner 12. **The oath of the correction of the co	epted or b) objected to by the Eddrawing(s) be held in abeyance. See ion is required if the drawing(s) is obj	e 37 CFR 1.85(a). ected to. See 37 CFR 1.121(d).			
Priority under 35 U.S.C. § 119					
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 					
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	4) Interview Summary Paper No(s)/Mail Da	nte			
B) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 3/31/05;10/18/04. 5) Notice of Informal Patent Application (PTO-152) 6) Other:					

Application/Control Number: 10/764,691

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- Claims 1-2, 4, 5, and 21, drawn to electroprocessed fibrin and optionally additional substances, classified in class 530, subclass 382.
- II. Claims 3, 6-8, and 22 drawn to an engineered tissue of fibrin matrix and cells and optionally additional substances, classified in class 435, subclasses 398 and 399.
- III. Claims 9-10, drawn to a method of delivering a substance, classified in class 424, subclass484.
- IV. Claim 11-14, drawn to a method of treating a wound or providing hemostasis with fibrin matrix, classified in class 424, subclass 443.
- V. Claims 15-16, drawn to an assay for cell response, classified in class 435, subclass 4.
- VI. Claims 17-18, drawn to a method of making an electroprocessed fibrin matrix, classified in class 530, subclass 427.
- VII. Claims 19-20, drawn to a process of making an engineered tissue, classified in class 623, subclass 11.11.

Inventions I and VI are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case Group I is drawn to an electroprocessed fibrin matrix and optionally with added active substances, Group VI is a method of making the matrix. The fibers could be oriented and arranged by hydrodynamic processes to produce a similar matrix of fiber. The electroprocessing could be used with other fibrous proteins such as elastins or collagens.

Inventions I and II and IV are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product

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as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case Groups III and IV are alternative uses of the matrix and substances of Group I: delivering substance to a location, and treating a wound by covering. An additional use might be as a surgical covering.

Groups I and II are drawn to patentably distinct products: a fibrin matrix optionally with added active substances, and an engineered tissue using a fibrin mat as solid support for cells.

Inventions II and V are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case the assay could be practiced with cells cultured with any other matrix, such as collagen matrix, or on a surface as confluent cells.

Inventions II and VII are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the fibers in the support matrix could be oriented and arranged by hydrodynamic processes to produce a similar support matrix of fiber. The electroprocessing step could be used with other fibrous proteins such as elastins or collagens.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification and the search required for one Group is not required for another Group especially in the non-patent literature, restriction for examination purposes as indicated is proper.

This is a restriction election only.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Hanley whose telephone number is 571-272-2508. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Wityshyn can be reached on 571-272-0926. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Susan Hanley Patent Examiner 1651

> JEAN C. WITZ PRIMARY EXAMINER